

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

United States of America,)
)
Plaintiff,)
) **ORDER GRANTING**
vs.) **MOTIONS TO CONTINUE**
)
Charles William Carlton, John Robert)
Polinski, and Byron Joseph Landry,)
)
Defendants.)

Before the Court are the defendants' motions to continue trial. Trial is currently scheduled to begin on March 19, 2013. The United States has indicated that it has no objection to the continuance requests.

In support of Polinski's motion to continue, his counsel states that he needs extra time to review voluminous discovery, locate and interview witnesses, complete investigation, and prepare for trial (Doc. #67). Carlton joins in the continuance request, with counsel noting that voluminous discovery still needs to be received and reviewed (Doc. #68). Landry joins these requests for a continuance (Doc. #71). An ends-of-justice continuance may be justified on the grounds that one side needs more time to prepare for trial. United States v. Dota, 33 F.3d 1179, 1183 (9th Cir. 1994) (citing 18 U.S.C. § 3161(h)(8)(B)(iv)). Additionally, an ends-of-justice continuance may be justified in order for plea negotiations to be pursued. United States v. Fields, 39 F.3d 439, 445 (3d Cir. 1994).

Upon consideration of the interests of all the parties, the Court finds that defendants' counsel require additional time in order to be adequately prepared for trial on the serious charges involved in this case. The Court concludes that failure to grant a continuance would deny the parties the

reasonable time necessary for effective preparation, taking into account the exercise of due diligence. A reasonable period of delay is excluded in computing the time within which a trial must be conducted in these circumstances. See 18 U.S.C. § 3161(h)(6). In connection with their motions, Carlton, Landry, and Polinski have waived their statutory and Constitutional rights to a speedy trial (Docs. #69, 72, and 74).

The Court hereby continues the defendants' trial to July 23, 2013, in Fargo, North Dakota. The pretrial conference will begin at 9:00 a.m. and jury selection will occur at 9:30 a.m. The pretrial motion deadline is continued to June 11, 2013. **IT IS ORDERED** that the period of delay commencing from the date of this Order until the date of the trial shall be excluded from the calculation of time for purposes of the Speedy Trial Act, 18 U.S.C. § 3161.

IT IS SO ORDERED.

Dated this 4th day of March, 2013.

/s/ Ralph R. Erickson
Ralph R. Erickson, District Judge
United States District Court